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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,079	09/21/2001	Richard Langan	SP-1318.1 US	4358

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ROBERT W WELSH
EVEREADY BATTERY COMPANY INC
25225 DETROIT ROAD
P O BOX 450777
WESTLAKE, OH 44145

EXAMINER

WILLS, MONIQUE M

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/960,079	LANGAN ET AL.	
	Examiner	Art Unit	
	Monique M Wills	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-30 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to the Amendment filed March 15, 2004. The rejection of claims 1-5 under 35 U.S.C. 102(b) as being anticipated by Fukada et al., U.S. Patent 6,001,505, is overcome. The objection of claims 17-20 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim, is overcome. The rejection of claims 6-7 & 20 under 35 U.S.C. § 103(a) as being unpatentable over Fukada et al., U.S. Patent 6,001,505 in view of Hanafusa et al., U.S. Patent 6,531,246, is overcome. Claims 21-30 are allowed. Claims 5-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-2 are rejected under 35 U.S.C. 102(B) as being anticipated by Lane U.S. Patent 6,113,658. Claims 1-4 are rejected under 35 U.S.C. 102(B) as being anticipated by Lake U.S. Patent 5,705,294.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(B) as being anticipated by Lane U.S. Patent 6,113,658.

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Lane teaches a method of forming a button battery (abstract).

With respect to claim 1, the battery comprises: an anode 16, cathode 18, electrolyte 29, external electrode contact 12 and a battery enclosure 13 sealed about the perimeter of the battery. See Figure 1. The battery enclosure comprises electrically conductive stainless steel (col. 3, lines 53-60). The external electrode contact 12 is formed from electrically conductive stainless steel of the enclosure (col. 3, lines 52-60, Fig. 1).

With respect to claim 2, the enclosure further comprises a sealing gasket 32 (col. 3, lines 55-60).

Therefore, the instant claims are anticipated by the prior art set forth.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(B) as being anticipated by Lake U.S. Patent 5,705,294.

Lake teaches a method of forming a button battery (abstract).

With respect to claim 1, the battery comprises: an anode 12, cathode 14, electrolyte 16, external electrode contact 22 and a battery enclosure 18 sealed about the perimeter of the battery. See Figure 2 and column 4, lines 37-50. The battery enclosure comprises electrically conductive stainless steel (col. 4, lines 35-45). The external electrode contact 22 is formed from electrically conductive stainless steel of the enclosure (col. 3, lines 35-45, Fig. 1).

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With respect to claim 2, the enclosure further comprises a sealing gasket 34a (Fig. 3, col. 5, lines 1-10).

With respect to claim 3, the enclosure further comprises a protective polymer material 36, that protects the enclosure by electrically insulating enclosure 18 from lid 24 to prevent short circuiting (Fig. 3, column 4, line 42 through column 5, line 25).

With respect to claim 4, the sealable material 34a, electrically conductive material 22 and protective polymer 36 are discrete materials (Fig. 3).

Therefore, the instant claims are anticipated by the prior art set forth.

Allowable Subject Matter

Claims 5-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The instant claims would be allowable over the prior art of record because the prior art is silent to a battery enclosure comprising first and second laminate layers circumscribing an electrically conductive material, wherein the electrically conductive material forms an external electrode contact.

The prior art, such as Messing U.S. Patent 4,059,718, teaches an external electrode contact 16 however, the contact is not part of the battery enclosure. Consequently, the subject invention is patentably distinct from the prior art.

Claims 21-30 are allowable over the prior art of record, because the prior art is silent to a battery comprising a battery enclosure wherein the battery enclosure forms an external electrode contact.

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Response to Arguments

Applicant asserts that:

Fukuda et al. does not teach a battery comprising a battery enclosure sealed about at least a portion of the perimeter of the battery and comprising electrically conductive material, and an external electrode contact formed from the electrically conductive material. Instead, the Fukuda et al. battery employs separate and distinct leads (18a and 18b) extending through corresponding insulators (40a and 40b) which are not connected to, nor formed as a portion of, the metal foil (22) that would define the battery enclosure. Accordingly, Fukuda et al. does not disclose each and every limitation of claim 1, and therefore Fukuda et al. does not anticipate claim 1 and any claims dependent thereon.

The assertion is correct and the following rejection are overcome:

- The rejection of claims 1-5 under 35 U.S.C. 102(b) as being anticipated by Fukuda et al., U.S. Patent 6,001,505.
- The rejection of claims 6-7 & 20 under 35 U.S.C. § 103(a) as being unpatentable over Fukuda et al., U.S. Patent 6,001,505 in view of Hanafusa et al., U.S. Patent 6,531,246, is overcome.

The objection of claims 17-20 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim, is overcome. Applicant correctly points out that the product-by-process claims further limit the battery by defining one or more process steps in proper dependent form.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Volz et al. U.S. Patent 6,143,440 teaches a protective device for a repeatedly rechargeable electrochemical battery.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Monique Wills whose telephone number is (571) 272-1309. The Examiner can normally be reached on Monday-Friday from 8:30am to 5:00 pm.

If attempts to reach Examiner by telephone are unsuccessful, the Examiner's supervisor, Randy Gulakowski, may be reached at 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MW

05/30/04

Bruce Bell
BRUCE F. BELL
PRIMARY EXAMINER
GROUP 1746